

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which Applicants regard as the invention.

Claims 2-5 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 2 and 4 have been amended to obviate the rejection by replacing the term “an almost” with “a substantially.”

Claims 1 and 6 stand rejected under 35 U.S.C. 102(e) as being anticipated by NUOVO et al. (US 2004/0077391, hereinafter NUOVO). NUOVO relates to customization of portable communication devices. The rejection should be withdrawn for at least the following reason. NUOVO does not describe the claimed invention.

Claim 1 has been amended to recite a battery housing portion that is covered by a cover member and the cover member comprising a battery and a battery cover. The amendment is supported by the original specification, for example, on page 15, lines 19-21 and page 16, lines 2-6. In NUOVO, the back cover 21 is separate from the battery 79 (See paragraph [0074] of NUOVO). NUOVO does not disclose the cover member required in the amended claim 1. Thus, NUOVO cannot anticipate claim 1 and claim 6 which depends from claim 1.

Claims 2-5 stand rejected under 35 U.S.C. 103(a) for obviousness over NUOVO in view of KIM (US 6,681,120 B1, hereinafter KIM). KIM relates to a mobile device that has one or more replaceable memory card sockets for receiving a blank memory card. The rejection should be withdrawn for at least the following reason. The combination of NUOVO and KIM does not suggest or teach the claimed invention.

As mentioned above, NUOVO does not teach or suggest the cover member required in claim 1 on which claim 2 depends. KIM fails to cure the deficiency. Thus, the combination of NUOVO and KIM cannot render claim 2 obvious.

Furthermore, as the Examiner concedes that the combination of NUOVO and Kim does not disclose that the second information recording medium storage portion is disposed in adjacent to the battery attachment portion along a longitudinal direction of the housing within the housing. The Examiner, however, contends that it would have been obvious to one having ordinary skill in the art at the time the invention was made to design a portion disposed in adjacent to the battery attachment portion along a longitudinal direction of the housing within the housing. The Applicants respectfully disagree. KIM does not specifically disclose where a battery is located in the device. In KIM, a battery is "not shown" (See column 3, line 55). The grounds for the rejection fail to offer any explanation as to why one of ordinary skill in the art would have considered the proposed modification obvious, apart from the unsupported assertion that a second information recording medium storage disposed in adjacent to the battery attachment portion along a longitudinal direction of the housing within the housing would have been an obvious matter of design choice. Therefore, the grounds of the rejection fails to contain the elements necessary to establish a prima facie case of obviousness for claim 2 and claims 3-5 that depend from claim 2 (See, e.g., MPEP 706.02(j)).

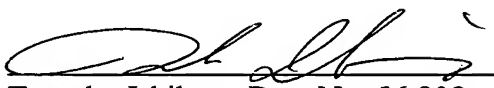
In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned agent to expedite prosecution of the present application.

Appl. No. 10/511,175
Amdt. Dated October 26, 2005
Reply to Office action of July 27, 2005

If there are any additional fees resulting from this communication, please charge same
to our Deposit Account No. 16-0820, our Order No. 37107.

Respectfully submitted,

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Date: October 26, 2005

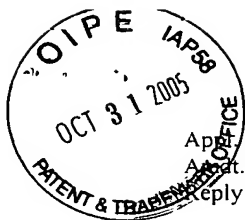
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Amendments to the Drawings:

The attached sheet of drawing includes changes to Fig. 9. This sheet, which includes Fig. 9, replaces the original sheet including Fig. 9. In Fig. 9, the legend --PRIOR ART-- has been added.

Attachment: Replacement Sheet

 Annotated sheet



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ANNOTATED SHEET SHOWING CHANGES

Customer No.: 000,116

Serial No.: 10/511,175

Conf. No.: 1995

Atty. Docket No.: 37107

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FIG. 9

--PRIOR ART--

